

CAPTAIN ROBERT GRAY—WIDOW OF.

[To accompany bill H. R. No. 333.]

MARCH 27, 1846.

Mr. BRODHEAD, from the Committee on Revolutionary Pensions, made the following

REPORT :

The Committee on Revolutionary Pensions, to whom was referred the petition of Martha Gray, of the city of Boston, have had the same under consideration, and make the following report :

The petitioner represents that she is the widow of Captain Robert Gray, who discovered the Columbia river, and who was born in the town of Tiverton, then in the State of Massachusetts, now Rhode Island, in the month of May, 1757; that he was in the naval service of the United States as an officer during part of the Revolution, and subsequently in the merchant service; that, between the years 1787 and 1790, he made a voyage around the world in the sloop Washington, and in company with the ship Columbia, and was, in the month of September, 1790, appointed master and commander of the said ship Columbia, of Boston, then about to sail on a second trading voyage to the northwest coast of America; that she was married to the said Captain Robert Gray on the 3d of February, 1794, and that he died in the summer of 1806, leaving four daughters and very little property; and that her daughters and herself have, since his death, supported themselves by their own exertions. She asks a pension on account of the services which her husband rendered the country during the Revolution, and more particularly on account of his discovery of the Columbia river in 1792, which has resulted so beneficially to the United States.

In proof of the facts set forth in her memorial, she accompanies it with the following *original* documents, some of which are highly interesting; and as they have never yet been made public, your committee append copies hereunto.

1st. The sea-letters granted by the President of the United States, dated at the city of New York, the 16th day of September, 1790, under the seal of the United States, signed by George Washington, and countersigned by Thomas Jefferson, then Secretary of State.

2d. The sea-letter of the commonwealth of Massachusetts, dated the 24th day of September, 1790, signed by John Hancock, then governor of that commonwealth, and countersigned by John Avery, jr., then secretary of state.

3d. The certificate of the cargo of the said ship Columbia, dated the 25th

of September, 1790, under the official seal; signed by Benjamin Lincoln, then collector, and James Lovell, then naval officer, at the port of Boston.

4th. The orders of the owners of the said vessel under which the voyage was conducted, and which resulted in the discovery of the said river, dated the 25th of September, 1790; drawn and signed by Joseph Barrell, one of the owners thereof.

The fact that she was married to the said Robert Gray, by the Rev. John Eliott, on the 3d day of February, 1794, is proved by a certified copy from the records of marriages of the town (now city) of Boston, authenticated by the clerk of the said city.

There is no evidence adduced by Mrs. Gray, other than her own allegation, which she makes upon the statements of other people, that her husband was in the naval service of the United States during the Revolution. It may be inferred, however, from the fact that he was appointed to the command of the said ship *Columbia*, having ten guns on board thereof, and about to sail on a long and hazardous voyage. The knowledge and experience which would justify his appointment to the command of the expedition, was most likely acquired in the service of the United States.

Under existing pension laws she would not be entitled to a pension, even though the fact that her husband was in the naval service of the United States during the Revolution was clearly established, because she was married subsequently (one month) to the 1st of January, 1794.

Should compensation be made to her for the service which her husband rendered his country while prosecuting a private enterprise as a private citizen? Various inquiries in view of the facts before stated here suggest themselves:

1. Did the said Captain Robert Gray first discover the *Columbia* river? and, if so,

2. Did such discovery confer a title to the vast and valuable territory drained and watered by it, commonly called the Oregon territory, upon the United States?

3. Did the government of the United States avail itself of such discovery?

4. Was the hazard and labor of the voyage, and particularly of the attempt to enter the mouth of the *Columbia* river, very great?

All these questions legitimate history and national law answer in the affirmative.

That Captain Gray, on the 11th day of May, 1792, first actually discovered and entered the great river *Columbia*, and sailed up it some fifteen or twenty miles, is not disputed at the *present day* by any well-informed person who has examined the question. At one time, it is true, it was insisted that the merit of discovering it belonged to *Meares*, a lieutenant in the royal navy of Great Britain. But, in 1826, the British plenipotentiary, in a discussion with the representative of the United States in regard to the title, &c., virtually abandons the idea of discovery by *Meares*, by saying: "It must be admitted that Mr. Gray, finding himself in the bay formed by the discharge of the waters of the *Columbia* into the Pacific, *was the first to ascertain that this bay formed the outlet of a great river—a discovery which had escaped Lieutenant Meares, when, in 1788, four years before, he entered the same bay.*" *Meares* himself did not, at the time, claim to have discovered the river. On the contrary, to use his own language, "no such river as that of St. Roc (now called *Columbia*) exists as laid

down in the Spanish charts." (See an account of his voyage, page 168.) The Spaniards *supposed* that there was a river near there, but never actually entered it. But this is not the only English authority in favor of Gray. Vancouver, in 1792, a British navigator sailing under the orders of his government, with instructions to examine and survey the whole shore of the Pacific, (Gray was instructed to do the same thing, "*to sweep the northwest coast,*") positively asserts that there was no such river as Gray claimed to have discovered. Before starting, he was furnished with all the information which *Meares* had collected in regard to the northwest coast. On the 29th day of April, 1792, he says, in his journal, that he met Captain Gray, in the ship *Columbia*, from Boston, and was informed by him that he had "been off the mouth of a river in the latitude of 46 deg. 10 min., where the outset or reflux was so great as to prevent his entering for nine days," and, he adds, "this was probably the opening passed by us on the forenoon of the 27th, and was apparently inaccessible, not from the current, but from the breakers which extended across it." He then goes on to record his opinion, from his own examination, notwithstanding the information given to him by Gray, that "if any inlet or river should be found, it must be a very intricate one, and inaccessible to vessels of our burden, owing to the reefs, broken water," &c. And he concludes by saying that he could "not possibly have passed any safe navigable opening, harbor, or place of security," &c. (See Vancouver's Journal, vol. 2d, pp. 43 to 58 and 59.) Yet Captain Gray, in eleven days after, with an energy and enterprise unsurpassed, actually entered the river which he was prevented from entering before, sailed up it, and gave it the name of his vessel, which it has to the present day. He remained in the river, as he states, nine days. Here, then, was an American fur trader, accomplishing more for himself and his country than a British navigator at the head of an important and expensive exploring expedition.

When Captain Gray returned to the United States, in 1793, he made known his discovery and attached great importance to it, as is sufficiently proved by Robert G. Shaw, esq., an old and highly respectable citizen of the city of Boston.

The discovery by Gray was followed in a reasonable time by the explorations of *Lewis* and *Clark*, in 1803, under the authority of the government, upon the suggestion of Mr. Jefferson, and the settlement near the mouth of the river, under the auspices of John Jacob Astor, in 1811. During the war, the settlement was taken by the British sloop-of-war *Raccoon*. In 1818, in conformity with the first article of the treaty of Ghent, the "*possession of the settlement*" of Astoria was "*restored*" by the British government to the United States, thereby recognising the right of possession to be in this government. Had not the discovery been made by Gray, it is proper to infer that exploration and settlement, (and restoration,) which so much strengthen our title, would not have been made in time to have been serviceable.

The government of the United States, up to the acquisition of the Florida title, in 1819, and since, has constantly claimed the fruits of the discovery of Gray. The records show it. This claim is authorized by the rule of national law; for, although he was a private adventurer, he had the protection of the flag of his country, and the letter of the President thereof. If the discovery of the *Columbia* did not confer title to the

country drained by it, upon the government of which he was a citizen, it certainly did upon himself and heirs. This idea is pretty distinctly stated by Vattel, an approved writer upon national law. As the whole earth is appointed to supply the wants of man in general, it would be unjust that a single person should exercise dominion over so vast a territory. Hence, a reason for the rule of national law before referred to, which confers title upon the nation.

The difficulty and danger of entering the Columbia for the first time, can be inferred from what Captain Gray said to *Vancouver*, and from the account which Vancouver himself gave of the "breakers, reefs, and broken waters" upon that part of the coast. Captain Wilkes, in his lately published narrative, speaking of the mouth of the Columbia, which for so many years repelled discovery, says: "Mere description can give little idea of the terrors of the bar of the Columbia. All who have seen it have spoken of the wildness of the scene—the incessant roar of the waters—representing it as one of the most fearful sights that can possibly meet the eye of the sailor." (Vol. 4, page 313.) In fact, the enterprise, boldness, perseverance, and peril of *first* entering the Columbia, have seldom been paralleled in the annals of adventure. Now, however, that its mouth has been surveyed, it is much less difficult of access.

It now remains to inquire whether it would be proper to grant the relief prayed for by Mrs. Gray. It is true this is not a government of pensions, and never ought to become such; but in this instance it would seem to be in accordance with every principle of justice, that, as we claim title to a large territory sufficient to make States, by virtue of the discovery of Gray, some little compensation ought to be made to his legal representatives therefor; thus relieving their wants, and giving a public testimonial of the gratitude of his countrymen. Strict equity between individuals would in such a case give relief. A government, to be perpetual, should be just, if not generous. Patents are given to those who make useful discoveries. Pensions have been given to those who defended the country in time of war, and swords to those who rendered extraordinary services; so, also, have large bodies of land. Your committee would in this case recommend the grant of a township of land, in the Oregon territory, to the widow and children of Captain Gray, as the most suitable return for his valuable services; but, as no surveys have yet been made, and a territorial government has not yet been established in any portion thereof, it would be inexpedient at the present time so to do. The committee, however, entertain a well-grounded hope that the time is not far distant when it would be proper to make such a grant. Meantime, it is believed that it would not be proper to withhold the relief asked for, and thus refuse an evidence of public gratitude. A bill granting Mrs. Gray the sum of five hundred dollars per annum is, therefore, herewith reported, and its passage recommended.

No. 1.

[L. S.] *To all emperors, kings, sovereign princes, states, and regents, and to their respective officers, civil and military, and to all others whom it may concern.*

I, GEORGE WASHINGTON, President of the United States of America, do make known that Robert Gray, captain of the ship called the Columbia, of the burden of about two hundred and thirty tons, is a citizen of the said United States; and that the said ship which he commands belongs to citizens of the said United States; and, as I wish that the said Robert Gray may prosper in his lawful affairs, I do request of all the before mentioned, and of each of them, separately, where the said Robert Gray shall arrive with his vessel and cargo, that they will be pleased to receive him with kindness and treat him in a becoming manner; permitting him, on the usual tolls and expenses in passing and repassing, to navigate, pass, and frequent their ports, passes, and territories, to the end that he may transact his business where and in what manner he shall judge proper; and thereby I shall consider myself obliged.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and have hereunto set my hand, at the city of New York, the sixteenth day of September, in the year of our Lord one thousand seven hundred and ninety.

GO. WASHINGTON.

By the President:

TH. JEFFERSON.

No. 2.

COMMONWEALTH OF MASSACHUSETTS.

By his excellency Jehn Hancock, esq., governor of the Commonwealth of Massachusetts.

TO ALL WHO SHALL SEE THESE PRESENTS—GREETING:

It is hereby made known that leave and permission has been given by the naval officers to Captain Robert Gray, master and commander of the ship Columbia, now lying at Boston, within this State, to depart from thence and proceed with his ship and cargo on a voyage to the northwest coast of America; and that the said ship and cargo belong to Joseph Barrell, esquire, and others, gentlemen of character and reputation, citizens of this Commonwealth—being one of the thirteen United States of America.

Now, in order that the said master may prosper in his lawful affairs; it is earnestly requested and recommended to all who may see these presents, at whatever port and place said master, with his vessel and cargo, may arrive, that they would please to receive him, the said master, with goodness; afford him all such aid and assistance as he may need; and to treat him in a becoming manner, permitting him, upon paying the usual ex-

penses in passing and repassing, to pass, navigate, and frequent the ports, passes, and territories wherever he may be, to the end that he may transact his business where and in what manner he shall judge proper, he keeping and causing to be kept by his crew on board, the marine ordinances and regulations of the place where he is trading.

Given under my hand and the seal of the Commonwealth aforesaid, [L. S.] this twenty fourth day of September, A. D. 1790, and in the fifteenth year of the independence of the United States of America.

JOHN HANCOCK.

By his excellency's command :

JOHN AVERY, JR., *Secretary.*

No. 3.

UNITED STATES OF AMERICA.

District of Boston and Charlestown, in the Commonwealth of Massachusetts.

These certify all whom it may concern, that Robert Gray, master and commander of the ship Columbia, burden two hundred and twelve ⁸⁵ tons or thereabouts, navigated with thirty men, mounted with ten guns, has permission to depart from this port with the following articles, viz : Two thousand bricks, six chaldrons sea coal, one hundred and thirty-five barrels beef, sixty barrels pork, three hogsheads N. E. rum, two hogsheads W. I. rum, five hogsheads molasses, five barrels sugar, ten boxes chocolate, two hundred and twenty-eight pounds coffee, seventy-two pounds Bohea tea, six casks rice, twenty barrels flour, twenty-seven thousand pounds ship bread, six firkins butter, five hundred pounds cheese, thirty barrels tar, thirteen barrels pitch, thirty packages of merchandise, six tons bar iron, twenty hundred bar lead, fifteen hundred pounds gunpowder, three hundred pounds small shot.

Given under our hands and seals at Boston aforesaid, the twenty-fifth day of September, in the year of our Lord one thousand seven hundred and ninety.

B. LINCOLN, *Collector,* [L. S.]
JAMES LOVELL, *Naval Officer,* [L. S.]

No. 4.

Boston, September 25, 1790.

Sir: The ship Columbia being completely equipped for a voyage to the northwest coast of America, China, and elsewhere, we place such confidence in you as to give you the command.

In all matters of traffic on the northwest coast of America, China, or elsewhere, you will consult with Mr. John Hoskins, who is with you, in whose industry, integrity, and honor we place the utmost confidence; we therefore expect the most perfect harmony to subsist between you, your officers, and him.

It is of importance, and we therefore enjoin it upon you, that the most friendly intercourse be observed in all your traffic with the natives, and no unjust advantage taken of them in trade, but endeavor, by your honorable conduct, to impress them with a respect for Americans.

You will touch at the several ports on the coast, as you shall think best ; but you must bear in mind that there are several American vessels on the trade, and you will therefore make such despatch on your voyage as shall prevent your being overtaken by any of them ; and to reach the coast before the brig, which has already sailed, as it must be of great importance.

At any time, at the close of a season, when you have furs sufficient, you may despatch the sloop (which we call the Nootka) with them to market, if you should think it best under all circumstances ; but you will bear in mind, if the sloop should be lost, the injury would be irreparable, and, if you should send her, be sure you give such orders that whoever goes may avoid the excessive charges of going up to Canton ; and, from the experience we have had, it appears plainly a much higher price may be obtained at the mouth of the river of Canton than in the city ; we would therefore advise your selling at the mouth of the river.

If you should send the sloop at any time, we would have Mr. Hoskins go with her, and he will apply to such persons as will assist him in disposing of the furs to the best advantage for the interest of the concerned.

We depend that the ship remains on the coast until your provisions are consumed, and longer if you find the trade advantageous, and can get the supplies you want.

When you leave the coast in the ship, we advise to your trying what can be done on the coast of Japan and Pekin, where, if you find safety in anchoring, and can dispose of your furs to advantage, we would advise you by all means to do it.

You are strictly enjoined not to touch at any port of the Spanish dominions on the western continent of America, unless driven there by unavoidable accident, in which case you will stay no longer than is necessary, and while there be careful to give no offence to any of the subjects of his Catholic Majesty, nor on any pretence whatever trade for a single farthing, unless for the supplies you may want, and let that be done under the immediate eye and sanction of authority.

Your sea-letters, and letters from this State, you will produce upon all proper occasions, and treat the subjects of every nation you meet with civility and respect, offering no insult to any, nor receiving any without showing the becoming spirit of a free, independent American.

You will give orders to whoever may command the sloop, should you send her with furs, to call upon Mr. McIntire, at Macao, for orders from the owners, with whom they will be lodged, or with some American at Canton ; and any orders you or they may find there from them, you are to follow. You can send an officer to Canton from the sloop at a little expense. You will write us by all possible opportunities, any letters by way of Macao, to the care of Mr. John McIntire ; by way of France, to Messrs. Le Couteaula & Co., at Paris ; by way of Portugal, to Messrs. Paseley, Little, & Co., Lisbon ; by way of London, to Messrs. Lane, Son, & Frazer.

In case of sickness or death, (which God forbid !) your successor is hereby enjoined to consult with Mr. Hoskins, in the same manner as though these orders were originally to himself.

You will constantly bear in mind the absolute prohibition against every sort of traffic, or receiving any presents on this voyage; for, be assured, the owners will treat every breach of the contract in this particular with the utmost severity.

We hope it is needless to remind you that you are now accountable for the conduct of the present voyage. You have seen and heard the pointed manner in which every one condemns the conduct of the last; and if you have a spirit proper for this enterprise, or any regard for your own honor and rising reputation, or have respect to the sea-letters with which the President of the United States has honored and indulged you, we trust you will doubly exert yourself to prevent such reflections in future.

When you leave the coast, and arrive at Macao, Canton, or elsewhere, and can dispose of your ship to your mind, if you can provide for your people without too much cost, you are at liberty to do it, and remit the proceeds in bills on the Dutch Company, payable in London, if it can be done at a rate which we are informed is common—say five shillings and sixpence sterling for a dollar. Remit the bills to Lane, Son, & Frazer, merchants in London, for account of the owners of the Columbia.

In case you sell your ship, you are on no terms to hold any part yourself, as we are willing to go hand in hand in this concern, and sink or swim together; and, as we wish no advantage ourselves, but what you share with us, so we mean to avoid any partial disadvantage.

We think it important, as the voyage proposed is of very long duration, to enjoin system, good order, prudence, and economy, which, with a tender treatment of the men under your command, will show you to be a father to your crew, and cannot fail to secure their love and obedience, and to remove all those ill conveniences which forever attend a contrary conduct.

For your encouragement, and that of your officers, we engage to allow you five per cent.; to the first mate, one and one-half per cent.; to the second mate, one per cent.; to the third mate, one-half per cent. upon the sales of the cargo in Boston. But you, neither as owner, or on account of your commissions as master, nor any officer on board, on account of their commissions or per cent. on the cargo, shall, upon any consideration, take anything from the stock in China, or elsewhere, unless what may be needful to furnish clothes or other necessaries, but the whole interest shall continue on joint account of all concerned, and be divided in Boston at the close of the voyage.

We expect you do not stop until you reach the Falkland islands; nor then, a moment longer than is absolutely necessary. And we think it advisable that you sweep the northwest coast before you stop to set up the sloop.

We think it best you should form no connexion with foreigners, or Americans, on the northwest coast, unless absolutely necessary; nor then, but with the greatest caution.

If the wind is fair on the morrow, we desire and expect you will embrace it and proceed on the voyage. And may God prosper you!

I am, for myself and the owners, your friend and employer,

JOSEPH BARRELL.

Captain ROBERT GRAY.